



Docket No. 2314-179

## Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, on the invention entitled ALPHA-CONOTOXIN PEPTIDES, the specification of which

[ ] is attached hereto.  
[X] was filed on 28 January 2000  
Application Serial No. 09/493,795  
and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### Prior Foreign Application(s)

			Priority Claimed
(Number)	(Country)	(Day/Month/Year)	[ ] Yes [ ] No

### Prior Foreign Application(s)

			Priority Claimed
(Number)	(Country)	(Day/Month/Year)	[ ] Yes [ ] No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

60/118,381

(Application Serial No.)

29 January 1999

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)

I or we hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to ROTHWELL, FIGG, ERNST & KURZ, p.c., Suite 701-E, 555 13th Street, N.W., Washington, D.C. 20004

G. Franklin Rothwell, Reg. No. 18,125  
E. Anthony Figg, Reg. No. 27,195  
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George R. Repper, Reg. No. 31,414  
Bart G. Newland, Reg. No. 31,282  
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Joseph A. Hynds, Reg. No. 34,627  
Mark I. Bowditch, Reg. No. 40,315  
Robert J. Jondle, Reg. No. 33,915  
Don M. Kerr, Reg. No. 22,720  
Jeffrey L. Ihnen, Reg. No. 28,957  
Stephen A. Saxe, Reg. No. 38,609  
Glenn E. Karta, Reg. No. 30,649  
Martha Cassidy, Reg. No. 44,066

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title

18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FIRST NAMED INVENTOR Maren WATKINS	SIGNATURE <i>Maren Watkins</i>	DATE 5/8/2000
RESIDENCE 845 E. Garfield Avenue Salt Lake City, Utah 84105	CITIZENSHIP USA	
POST OFFICE ADDRESS SAME		
SECOND NAMED INVENTOR Baldomero M. OLIVERA	SIGNATURE	DATE
RESIDENCE 1370 Bryan Avenue Salt Lake City, Utah 84108	CITIZENSHIP Philippines	
POST OFFICE ADDRESS SAME		
THIRD NAMED INVENTOR David R. HILLYARD	SIGNATURE	DATE
RESIDENCE 3685 Juno Circle Salt Lake City, Utah 84124	CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS SAME		
FOURTH NAMED INVENTOR J. Michael McINTOSH	SIGNATURE	DATE
RESIDENCE 1151 South 2000 East Salt Lake City, Utah 84108	CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS SAME		

FIFTH NAMED INVENTOR  
Robert M. JONES

SIGNATURE

DATE

RESIDENCE 44 West Broadway, #44  
Salt Lake City, Utah 84101

CITIZENSHIP  
United Kingdom

POST OFFICE ADDRESS  
SAME

H3  
Docket No. 2314-179**Declaration and Power of Attorney for Patent Application**

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is attached hereto.  
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60/118,381

(Application Serial No.)

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29 January 1999

(Filing Date)

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(Application Serial No.)

(Filing Date)

(Status)

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(Application Serial No.)

(Filing Date)

(Status)

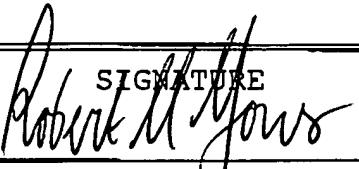
I or we hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to ROTHWELL, FIGG, ERNST & KURZ, p.c., Suite 701-E, 555 13th Street, N.W., Washington, D.C. 20004

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Stephen A. Saxe, Reg. No. 38,609  
Glenn E. Karta, Reg. No. 30,649  
Martha Cassidy, Reg. No. 44,066

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18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FIRST NAMED INVENTOR Maren WATKINS	SIGNATURE	DATE
RESIDENCE 845 E. Garfield Avenue Salt Lake City, Utah 84105	CITIZENSHIP	
POST OFFICE ADDRESS SAME		
SECOND NAMED INVENTOR Baldomero M. OLIVERA	SIGNATURE 	DATE 4-14-2000
RESIDENCE 1370 Bryan Avenue Salt Lake City, Utah 84108	CITIZENSHIP Philippines	
POST OFFICE ADDRESS SAME		
THIRD NAMED INVENTOR David R. HILLYARD	SIGNATURE	DATE
RESIDENCE 3685 Juno Circle Salt Lake City, Utah 84124	CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS SAME		
FOURTH NAMED INVENTOR J. Michael McINTOSH	SIGNATURE 	DATE 4/17/00
RESIDENCE 1151 South 2000 East Salt Lake City, Utah 84108	CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS SAME		

FIFTH NAMED INVENTOR Robert M. JONES	SIGNATURE 	DATE 17 April 00
RESIDENCE 44 West Broadway, # <del>44</del> 2103 South Salt Lake City, Utah 84101	CITIZENSHIP United Kingdom	
POST OFFICE ADDRESS SAME		

Docket No. 2314-179

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_____	_____	_____	[ ]	[ ]
(Number)	(Country)	(Day/Month/Year)	Yes	No

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			Priority Claimed	
_____	_____	_____	[ ]	[ ]
(Number)	(Country)	(Day/Month/Year)	Yes	No

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60/118,381

(Application Serial No.)

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29 January 1999

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Glenn E. Karta, Reg. No. 30,649  
Martha Cassidy, Reg. No. 44,066

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18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FIRST NAMED INVENTOR	SIGNATURE	DATE
Maren WATKINS		
RESIDENCE 845 E. Garfield Avenue Salt Lake City, Utah 84105		CITIZENSHIP
POST OFFICE ADDRESS SAME		
SECOND NAMED INVENTOR	SIGNATURE	DATE
Baldomero M. OLIVERA		
RESIDENCE 1370 Bryan Avenue Salt Lake City, Utah 84108		CITIZENSHIP Philippines
POST OFFICE ADDRESS SAME		
THIRD NAMED INVENTOR	SIGNATURE	DATE
David R. HILLYARD		4/21/00
RESIDENCE 3685 Juno Circle Salt Lake City, Utah 84124		CITIZENSHIP U.S.A.
POST OFFICE ADDRESS SAME		
FOURTH NAMED INVENTOR	SIGNATURE	DATE
J. Michael McINTOSH		
RESIDENCE 1151 South 2000 East Salt Lake City, Utah 84108		CITIZENSHIP U.S.A.
POST OFFICE ADDRESS SAME		

FIFTH NAMED INVENTOR Robert M. JONES	SIGNATURE	DATE
RESIDENCE 44 West Broadway, #44 Salt Lake City, Utah 84101	CITIZENSHIP United Kingdom	
POST OFFICE ADDRESS SAME		

Applicant or Patentee: Maren Watkins et al.

Serial or Patent No.: 09/493,795 Attorney's Docket No. 2314-179

Serial or Record No.: 28 January 2000

For: ALPHA-CONOTOXIN PEPTIDES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the **NONPROFIT  
& TRADE** organization identified below:

NAME OF ORGANIZATION UNIVERSITY OF UTAH RESEARCH FOUNDATION

ADDRESS OF ORGANIZATION 615 Arapeen Drive, Suite 110, Salt Lake City, Utah 8410

**TYPE OF ORGANIZATION**

- [ ] UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
[X] TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 USC 501(a)  
and 501(c)(3))  
[ ] NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE  
UNITED STATES OF AMERICA  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)  
[ ] WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26  
USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
[ ] WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE  
OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES  
OF AMERICA  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled ALPHA-CONOTOXIN PEPTIDES, by inventors Maren WATKINS et al., described in

- [ ] the specification filed herewith  
[X] application serial no. 09/493,795, filed 28 January 2000  
[ ] patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME COGNEXIX, INC.  
ADDRESS 421 Wakara Way, Suite 201, Salt Lake City, Utah 84108  
[ ] INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
 INDIVIDUAL     SMALL BUSINESS CONCERN     NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Marjorie D. Hunter  
TITLE IN ORGANIZATION Senior Licensing Manager, Technology Transfer Office  
ADDRESS OF PERSON SIGNING 615 Arapene Drive, Suite 110, Salt Lake City, Utah 84108

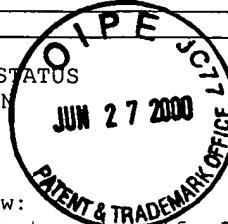
Signature Marjorie D. Hunter

Date Jun 15, 2000

H3

Applicant or Patentee: Maren WATKINS et al.  
Serial or Patent No.: 09/493,795 Attorney's Docket No. 2314-179.A  
Filed or Issued: 28 January 2000  
For: ALPHA-CONOTOXIN PEPTIDES

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN



I hereby declare that I am

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of  
the concern identified below:

NAME OF CONCERN COGNETIX, INC.

ADDRESS OF CONCERN 421 Wakara Way, Suite 201, Salt Lake City, Utah 84108

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled ALPHA-CONOTOXIN PEPTIDES, by inventors Maren WATKINS et al., described in

- the specification filed herewith  
 application serial no. 09/493.795, filed 28 January 2000  
 patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME UNIVERSITY OF UTAH RESEARCH FOUNDATION  
ADDRESS 615 Arapeen Drive, Suite 110, Salt Lake City, Utah 84108  
 INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
 INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

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validity of the application, any application issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING D. Scott Hagen  
TITLE OF PERSON OTHER THAN OWNER Vice President  
ADDRESS OF PERSON SIGNING 421 Wakara Way, Suite 201, Salt Lake City, Utah 84108

SIGNATURE 

Date

April 25/2000